S.B. Civil Writ Petition No.4048/06
Ram Kishore Vs. RPSC & Anr.

Date of Order : 18/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Peush Nag, for petitioner

Heard Counsel for petitioner.

Rajasthan Public Service Commission issued advertisement Ann.6 inviting applications for the post of Lecturer [Sanskrit] in addition to posts of different departments.

Petitioner claims himself to be a better qualified person in relation to condition of eligibility laid down under the advertisement and submitted application for the post of Lecturer [Sanskrit]. After applications were received, the Commission took decision to hold the screening test and petitioner was also permitted to participate. It is not disputed by the petitioner that he took chance to appear in the screening test and finally found unsuccessful and never protested either way while submitting application or before appearing in the screening test held by the Commission.

After he has been declared unsuccessful and not permitted to participate in further process of selection, he has questioned the very procedure adopted by the Commission for holding the screening test to be arbitrary and counsel further submits that petitioner being better qualified in relation to condition of eligibility available in the advertisement, the Commission was not justified in asking such applicants like petitioner to appear in the screening test and

straightway he was to be called for interview.

Counsel further submits that there is no condition incorporated in the advertisement for holding screening test. In the absence whereof, the procedure of screening test held by the Commission is contrary to condition of advertisement and even if petitioner has appeared will not deprive him from his fair right of consideration from participation in further process of selection.

I have considered the submission of the counsel and perused the material on record.

The advertisement contains minimum qualification for the post of Lecturer [Sanskrit] and when number of eligible candidates are more in number, it has been held by this court in catena of decision and also by the Apex Court that the Commission is competent to hold the screening test for the purpose of short-listing of number of candidates to be ultimately called for interview.

In my opinion, if the Commission in a given case took decision of short-listing of candidates by holding the screening test, no error has been committed in the said decision.

The next submission made by the counsel for petitioner that he is better qualified person, in my opinion, is of no substance for the reason that all who are eligible are at par and they have to first qualify the screening test before making themselves eligible for participation in the process of selection further under the rules. Once the petitioner has failed in the screening test, he is not qualified to further participate merely because he claims himself to be a better qualified.

Consequently, the writ petition fails and is hereby dismissed in limine.

[Ajay Rastogi],J.

FRB